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Proposed Attorneys for John Dee Spicer, Chapter 7 Trustee

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

In Re:	§	
	§	
ROBERT JORDAN CONSTRUCTION, LLC	§	Case No. 22-41804-elm7
	§	
Debtor.	§	No hearing requested.
	§	

TRUSTEE'S APPLICATION FOR EMPLOYMENT OF AUCTIONEER

NO HEARING WILL BE CONDUCTED HEREON UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AT ELDON B. MAHON FEDERAL BUILDING, 501 W. TENTH STREET, FORT WORTH, TX 76102 BEFORE CLOSE OF BUSINESS ON SEPTEMBER 14, 2022, WHICH IS TWENTY-ONE (21) DAYS FROM THE DATE OF SERVICE HEREOF.

ANY RESPONSE MUST BE IN WRITING AND FILED WITH THE CLERK, AND A COPY MUST BE SERVED UPON COUNSEL FOR THE MOVING PARTY PRIOR TO THE DATE AND TIME SET FORTH HEREIN. IF A RESPONSE IS FILED A HEARING WILL BE HELD WITH NOTICE ONLY TO THE OBJECTING PARTY.

IF NO HEARING ON SUCH NOTICE OR MOTION IS TIMELY REQUESTED, THE RELIEF REQUESTED SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT OR THE NOTICED ACTION MAY BE TAKEN.

John Dee Spicer, Chapter 7 Trustee in the above styled and numbered case (the “Trustee” and/or “Applicant”) files this **Trustee’s Application for Employment of Auctioneer** and would show the Court as follows:

1. The Trustee requires the services of an auctioneer to appraise and sell certain property of the estate, including certain vehicles, trailers, and miscellaneous equipment and inventory.
2. For all the foregoing and all other necessary and proper purposes, the Trustee desires to retain Rosen Systems, Inc., 2323 Langford Street, Dallas, Texas 75208 (hereafter “Rosen”).
3. Rosen is a member of recognized professional groups of the industry, including the Industrial Auctioneers Association, the Machinery Dealers National Association and the Association of Machinery & Equipment Appraisers and is on the United States Trustee’s List of Bonded Auctioneers.
4. Because of Rosen’s willingness to serve as auctioneer and because of Rosen’s qualification and experience appraising and auctioning such items, the Trustee feels that Rosen is well qualified to render the foregoing described services.
5. The Trustee believes that Rosen does not hold or represent any interest adverse to that of the Trustee or the Debtor’s estate and that Rosen is a disinterested person within the meaning of 11 U.S.C. §101(14). Attached hereto is the Declaration of Auctioneer signed by Kyle Rosen, Vice President of Rosen Systems, Inc.
6. As to any auction of personal property of this estate, Rosen agrees to conduct one or more auction sales in accordance with the United States Trustee’s Guidelines and will charge a 10% buyer’s premium on the gross sales. In addition, it is contemplated that Rosen will be reimbursed reasonable out-of-pocket expenses, such as for labor, advertising, and storage, as approved by this Court.

7. The estimated range of anticipated internet auction proceeds is between \$40,000.00 and \$60,000.00. The estimated expenses for this sale are \$5,000.00 - \$10,000.00.

8. Rosen will seek compensation of expenses from the estate upon completion of the sale.

9. Rosen maintains adequate insurance if any of the personal property items to be auctioned are lost, stolen, or damaged.

WHEREFORE, the Trustee therefore respectfully requests that the Court enter an order authorizing him to employ Rosen Systems, Inc. as his auctioneer in this Chapter 7 case under the terms and conditions set forth herein and for such other and further relief as is just.

Respectfully submitted,

/s/ Leah Duncan
John Dee Spicer
State Bar No. 18930500
Leah Duncan
State Bar No. 24114061
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Proposed Attorneys for John Dee Spicer,
Chapter 7 Trustee

CERTIFICATE OF SERVICE

I certify that a true and correct copy of this Application was served on August 24, 2022, by electronic transmission through the Court's automated Case Management and Electronic Docketing System for the U. S. Bankruptcy Court for the Northern District of Texas on all parties-in-interest submitting to service of papers in this case by said means and via first class mail, postage prepaid on the following:

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Arlington Independent School District
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/s/ Leah Duncan
Leah Duncan

**IN THE UNITED STATES BANKRUPTCY COURT
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Debtor. §
§

DECLARATION OF AUCTIONEER

I, Kyle Rosen, declare under penalty of perjury the following:

I am the Vice President of Auction Services for Rosen Systems, Inc., and I maintain my principal place of business at 2323 Langford Street, Dallas, Texas 75208. Rosen Systems, Inc. has been asked to be employed as auctioneer for the Trustee in this case.

Neither I nor Rosen Systems, Inc. have any known connections with the Debtor, any of the Debtor's officers, directors or shareholders, any of the creditors in this case, or any other party in interest or their respective attorneys or accountants.

Rosen Systems, Inc. desires to be employed as auctioneer for the Trustee in this case with compensation to be paid as set forth in the Application.

Dated August 24, 2022.



Kyle Rosen
Rosen Systems, Inc.
2323 Langford Street
Dallas, Texas 75208